

REFERENCE TITLE: contractors; technical correction

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

HB 2180

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTION 32-1159, ARIZONA REVISED STATUTES; RELATING TO CONTRACTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-1159, Arizona Revised Statutes, is amended to
3 read:

4 32-1159. Indemnity agreements in construction and
5 architect-engineer contracts void: definitions

6 A. A covenant, clause or understanding in, collateral to or affecting
7 a construction contract or architect-engineer professional service contract
8 that purports to indemnify, to hold harmless or to defend the promisee from
9 or against liability for loss or damage resulting from the sole negligence of
10 the promisee or the promisee's agents, employees or ~~indemnitee~~ INDEMNITEES is
11 against the public policy of this state and is void.

12 B. Notwithstanding subsection A OF THIS SECTION, a contractor who is
13 responsible for the performance of a construction contract may fully
14 indemnify a person for whose account the construction contract is not being
15 performed and who, as an accommodation, enters into an agreement with the
16 contractor that permits the contractor to enter on or adjacent to its
17 property to perform the construction contract for others.

18 C. This section applies to all contracts entered into between private
19 parties. This section does not apply to:

20 1. Agreements to which this state or a political subdivision of this
21 state is a party, including intergovernmental agreements and agreements
22 governed by sections 34-226 and 41-2586.

23 2. Agreements entered into by agricultural improvement districts under
24 title 48, chapter 17.

25 D. If FOR THE PURPOSES OF this section:

26 1. "Architect-engineer professional service contract" means a written
27 or oral agreement relating to the design, design-build, construction
28 administration, study, evaluation or other professional services furnished in
29 connection with any actual or proposed construction, alteration, repair,
30 maintenance, moving, demolition or excavation of any structure, street or
31 roadway, appurtenance or other development or improvement to land.

32 2. "Construction contract" means a written or oral agreement relating
33 to the construction, alteration, repair, maintenance, moving, demolition or
34 excavation or other development or improvement to land.